



NATALIE S. ROSENBERG
Counsel

DEFD# 0102117001

207091

Law Department
500 Water Street
Speed Code J-150
Jacksonville, FL 32202
Fax (904) 359-1248
Telephone (904) 359-3100

Writer's direct telephone line:
(904) 359-1253

January 20, 2003



VIA AIRBORNE EXPRESS

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
Mercury Building
1925 K Street, N.W.
Washington, D.C. 20423

RE: **Docket No. AB-55 (Sub-No. 627X)**
CSX Transportation, Inc. Abandonment in
Floyd County, Kentucky

FEE RECEIVED
JAN 22 2003
SURFACE
TRANSPORTATION BOARD

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of CSX Transportation, Inc.'s Notice of Exemption in the above-captioned proceeding. A check in the amount of \$2,700.00, to cover the filing fees, is also enclosed. I would appreciate your acknowledgement of receipt of these documents by stamping the extra enclosed copy of this letter and returning it to me in the enclosed self-addressed envelope.

Very truly yours,

Natalie S. Rosenberg
Natalie S. Rosenberg

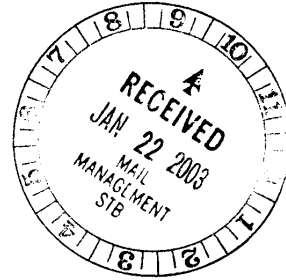
NSR/lcf

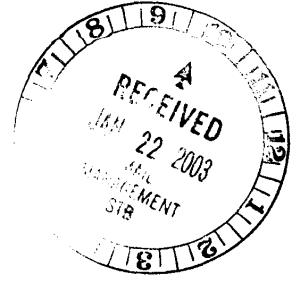
Enclosures

FILED
JAN 22 2003
SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings
JAN 22 2003
Part of
Public Record

bcc: A.C. Arthur (via e-mail)
H.S. Emerick (via e-mail)
B.J. League - J200
J.M. Griffith - J200





BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings

JAN 22 2003

Part of
Public Record

DOCKET NO. AB-55 (SUB-NO. 627X)

CSX TRANSPORTATION, INC.
ABANDONMENT IN FLOYD COUNTY, KENTUCKY

FILED
JAN 22 2003
SURFACE
TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FEE RECEIVED
JAN 22 2003
SURFACE
TRANSPORTATION BOARD

Natalie S. Rosenberg
Counsel
500 Water Street J150
Jacksonville, FL 32202
(904) 359-1253

Counsel for
CSX TRANSPORTATION, INC.

DATED: January 20, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-55 (SUB-NO. 627X)

CSX TRANSPORTATION, INC.
ABANDONMENT IN FLOYD COUNTY, KENTUCKY

NOTICE OF EXEMPTION

CSX Transportation, Inc. ("CSXT") files this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption is for abandonment of CSXT's line of railroad between Milepost CON 3.1 at Salisbury, Kentucky, and Milepost CON 16.5 at the end of track near Clear Creek Junction, Kentucky a distance of approximately 13.4 miles, in Floyd County, Kentucky (hereinafter "the line"). In accordance with the aforesaid regulations, CSXT makes the following responses:

RESPONSE TO 49 C.F.R. SECTION 1152.50(d)(2):

1. Proposed Consummation Date.

The proposed consummation date of this abandonment is March 20, 2003.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as Exhibit B to this Notice of Exemption.

3. Information required in Section 1152.22(a) (1-4),
(7), (8) and (e) (4).

(a) General.

(1) Exact name of applicant.

CSX Transportation, Inc.

(2) Whether applicant is a common carrier
by railroad subject to the Interstate
Commerce Act.

CSXT is a common carrier by railroad
subject to the Interstate Commerce Act.

(3) Relief sought (abandonment of line or
discontinuance of operations).

CSXT seeks authority to abandon the
line.

(4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

(7) Name, title and address of
representative of applicant to whom
correspondence should be sent.

Natalie S. Rosenberg
Counsel
CSX Transportation, Inc.
500 Water Street J150
Jacksonville, FL 32202

(8) United States Postal Service Zip Codes
that the line traverses.

Zip Codes 41649, 41631, 41647, 41636,
41604, and 41606.

(e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are suitable for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The properties proposed for abandonment may be suitable for other public purposes, but may be subject to reversionary interests that would affect transfer of title for other than rail purposes.

4. The Level of Labor Protection.

CSXT understands that, in exempting the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. Section 1152.50(c). Accordingly, CSXT anticipates that the Board will impose the conditions set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

5. Certificate of Compliance With the Notice Requirements of Section 1152.50(d)(1).

The required certificate is set forth as Exhibit C to this Notice of Exemption.

6. Environmental Report and Historic Report.

The Environmental Report required by 49 C.F.R. 1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibits D and E, respectively, to this Notice of Exemption. Attached as Exhibit F is a certificate showing CSXT's compliance with 49 C.F.R. 1105.11.


7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in *The Floyd County Times*, Prestonsburg, Floyd County, Kentucky, on January 15, 2003. An Affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

8. Verification.

The required verification is set forth as Exhibit G to this Notice of Exemption.

Respectfully submitted,

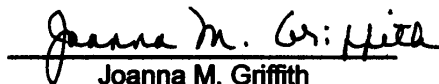

Natalie S. Rosenberg
Counsel
CSX Transportation, Inc.
500 Water Street J150
Jacksonville, FL 32202

DATED: January 20, 2003



CERTIFICATION REQUIRED**IN 49 C.F.R. SECTION 1152.50(B)**

In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line subject of the Notice of Exemption in Docket No. AB-55 (Sub-No. 627X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; and (2) there is no overhead traffic on the line; and (3) no formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U. S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of CSX Transportation, Inc. by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.


Joanna M. Griffith

Dated: January 2, 2003

EXHIBIT C

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1152.50(d)(1)

In accordance with 49 C.F.R. §1152.50(d)(2), I hereby
certify that:

On January 3, 2003, I caused to be served by U.S. first-class mail, postage prepaid, the notice required by 49 C.F.R. §1152.50(d)(1), upon the Kentucky Public Service Commission, the Military Traffic Management Command of the U.S. Department of Defense, the National Park Service, Land Resources and Recreation Resources Divisions, and the U. S. Department of Agriculture.


Natalie S. Rosenberg

Dated: January 20, 2003

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC.

DOCKET AB-55 (SUB-NO. 627X)

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSX Transportation proposes to abandon 13.4 miles of its rail line between Salisbury (Milepost CON 3.1) and end of track near Clear Creek Junction (Milepost CON 16.5), a distance of 13.4 miles in Floyd County, Kentucky. The line was formerly used to ship coal; however, there has been no originating or terminating traffic in over ten years, and no future traffic is anticipated.

Abandonment of this line will result in the removal of the rail, cross-ties, and possibly the upper layer of ballast; subsequently, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2.)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no CSXT passenger or freight traffic on this line. There will be no effect on existing regional or local transportation systems or patterns.

(3) LAND USE

- (i) **Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant has not received a response to its inquiry of December 6, 2002, to the Floyd County Planning Department and to the City of Martin Planning Department requesting information regarding this statement. (See Attachments 3 and 4.)

Based on the fact that the line has not generated any traffic during the past ten years, Applicant believes the proposed action is not inconsistent with local land use plans.

- (ii) **Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant has not received a response to its inquiry of December 6, 2002, to the U.S. Department of Agriculture – NRCS in Prestonsburg, Kentucky requesting information regarding this statement. (See Attachments 5.)

Applicant believes that the simple removal of track material should not have an adverse impact.

- (iii) **If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

The State of Kentucky does not have a Coastal Zone Management Program

- (iv) **If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

This line has historically been used for coal shipments and would not appear to be suitable for other public purposes.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

Since this line has not been needed or used in recent years for the transportation of coal, Applicant does not anticipate any adverse impact on the future transportation of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage.

(5) AIR

- (i) **If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.**

The above thresholds will not be exceeded.

- (ii) **If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or**

(B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

There will be no effect on public health and safety as a result of the proposed action.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on

derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.

Applicant's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

Applicant has not received a response to its inquiry of December 6, 2002, to the U. S. Department of the Interior, Fish and Wildlife Service, Cookeville, Tennessee, seeking information regarding this statement. (See Attachment 6.)

Based upon Applicant's intention to remove only the track material and possibly the upper layer of ballast, we do not believe that any federally endangered or threatened species will be negatively affected or critical habitats modified if the line is abandoned.

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(9) WATER

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

CSX Transportation, Inc.
Environmental Report
Docket AB-55 (Sub. No. 627X)
Page 6 of 7

Applicant has not received a response to its inquiry of December 6, 2002, to the Division of Water, Department of Environmental Protection, Frankfort, Kentucky, requesting information regarding this statement. (See Attachment 7.)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) **Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its inquiry of December 6, 2002, to the U.S. Army Corps of Engineers, Huntington, West Virginia, requesting information regarding this statement. (See Attachment 8.)

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants**

should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).

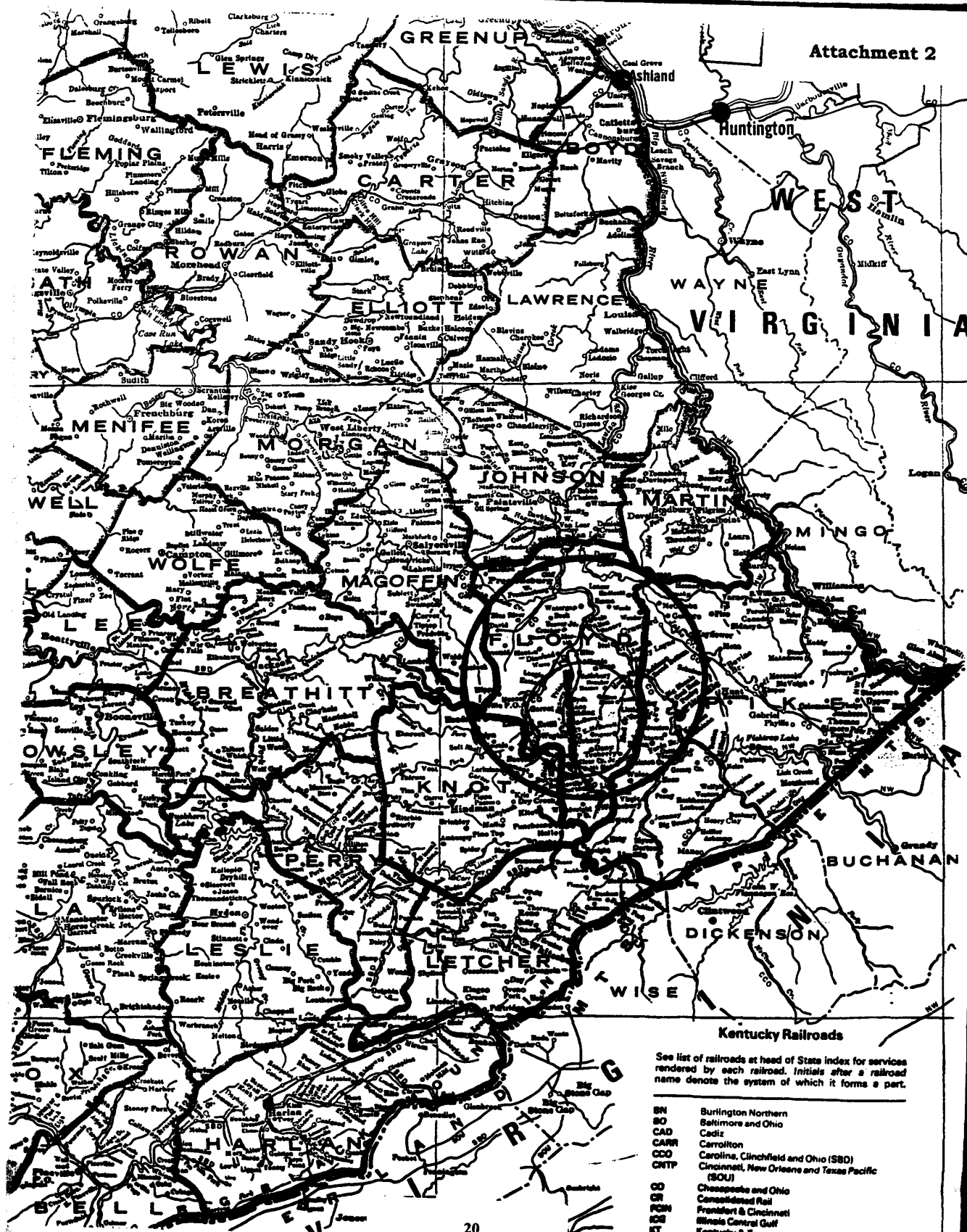
Applicant has not received a response to its inquiry of December 6, 2002, to the U.S. Environmental Protection Agency, Region 4 and Department for Environmental Protection, Frankfort, Kentucky, requesting information regarding this statement. (See Attachment 7 and 9.)

Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

There will be no adverse environmental impacts in the project area as a result of this abandonment; therefore, mitigating action will not be necessary.





Dave Geraci
Project Manager - North Region
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 3

December 6, 2002

Floyd County Planning Department
Attn: Mr. Lon May
149 South Central Avenue - Suite 9
Prestonsburg, KY 41653

Mr. May:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Salisbury (near Printer) to Clear Creek Junction (in Hi Hat), Floyd County, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that we develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

I would appreciate your advice as to the existence of a long-range comprehensive planning map for Floyd County and the line's relationship to such planning.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Geraci", with a long horizontal line extending to the right.

Attachment



TRANSPORTATION
Dave Geraci
Project Manager - North Region
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 4

December 6, 2002

Martin - City Planning Department
Attn: Ms. Thomasine Robinson, Mayor
PO Box 749
Martin, KY 41649

Ms. Robinson:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Salisbury (near Printer) to Clear Creek Junction (in Hi Hat), Floyd County, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that we develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

I would appreciate your advice as to the existence of a long-range comprehensive planning map for the City of Martin and the line's relationship to such planning.

Sincerely,

Attachment



TRANSPORTATION
Dave Geraci
Project Manager - North Region
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 5

December 6, 2002

USDA - NRCS (Soil)
214 South Central Ave.
Presonsburg, KY 41653-1953

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Salisbury (near Printer) to Clear Creek Junction (in Hi Hat), Floyd County, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(ii) require that we develop a response to the following statement:

"Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land."

Please advise if any of the land contiguous to CSXT's line in the project area is classified as prime agriculture land.

Sincerely,

Dave Geraci

Attachment



Dave Geraci
Project Manager - North Region
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 6

December 6, 2002

U.S. Department of the Interior
Fish & Wildlife Service
446 Neal Street
Cookeville, TN 38501

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Salisbury (near Printer) to Clear Creek Junction (in Hi Hat), Floyd County, Kentucky as depicted on the attached map.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) require that we develop responses to the following statements:

- (i) Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.
- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other materials from entering any watercourses.

Based upon the above described actions, we would appreciate your concurrence in CSXT's position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

We would appreciate your comments; and, if you have any questions, please feel free to contact me.

Sincerely,

Attachment



Dave Geraci
Project Manager - North Region
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 7

December 6, 2002

Department for Environmental Protection
Division of Water
Mr. Jack A. Wilson, Director
Frankfort Office Park
18 Reilly Road
Frankfort, KY 40601

Mr. Wilson:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Salisbury (near Printer) to Clear Creek Junction (in Hi Hat), Floyd County, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, we would appreciate receiving your concurrence with CSXT's position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

If you have any questions, please feel free to contact me.

Sincerely,

Attachment



Dave Geraci
Project Manager - North Region
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Attachment 8

December 6, 2002

U.S. Army Corps of Engineers
Huntington District
Attention: CELRH-OR-F
502 8th Street
Huntington, WV 25701-2070

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Salisbury (near Printer to Clear Creek Junction (in Hi Hat), Floyd County, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that we develop a response to the following statement:

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. We do not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and we do not anticipate any dredging or use of fill in the removal of the track material. The track removal will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

Based upon the above described actions, we would appreciate your concurrence in CSXT's position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

We would appreciate your comments; and, if you have any questions, please feel free to call me.

Sincerely,

Dave Geraci

Attachment



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Project Manager - North Region
Asset Management

Attachment 9

December 6, 2002

U.S. EPA - Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Salisbury (near Printer) to Clear Creek Junction (in Hi Hat), Floyd County, Kentucky as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, we would appreciate receiving your concurrence with CSXT's position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

If you have any questions, please feel free to contact me.

Sincerely,

Attachment

HISTORIC REPORT

CSX TRANSPORTATION, INC.
(Salisbury to Clear Creek Junction, Floyd County, Kentucky)
DOCKET AB-55 (SUB-NO. 627X)

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSX Transportation, Inc. (CSXT) proposes to abandon 13.4 Miles of its rail line between Salisbury, Milepost CON 3.1 and Clear Creek Junction, Milepost CON 13.4, Floyd County, Kentucky. This line was formerly used to ship coal; however, there has been no originating or terminating traffic in over ten years and no future traffic is anticipated.

Abandonment of this line will result in the removal of the rail, crossies, and possibly the upper layer of ballast; and operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps, which delineate the proposed project, are attached. (See Attachments 1 and 2.)

1105.8(d)

- (1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.**

Attached are copies of the Harold, Martin, Wayland and McDowell quadrangle topographic maps prepared by the U. S. Department of Interior Geological Survey prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black diagonal line. (See Attachments 3, 4, 5, 6 and 7.)

There are 3 CSXT-owned structures that are 50 years old or older that are eligible for listing in the National Register that are part of the proposed action.

- (2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right of way widths along this line vary between 35 and 75 feet from the center-line of track. The rail line traverses many small communities, rivers and streams. It is located in a mountainous, forested area that contains several strip mines and mine dumps.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Photographs of Bridges No. 77, No. 101 and No. 121 have been requested and will be mailed under separate cover. CSX Plans for all bridges are enclosed. (See Attachments 8, 9, 10 and 11.)

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:

Bridge No. 77 is an "I" beam span and was constructed in 1916. It is constructed from concrete and steel and is approximately 40 ft. in length. The bridge is located at milepost CON 7.7 near Drift, Kentucky.

Bridge No. 101 is a Through-Plate-Girder and was constructed in 1937. It is constructed from concrete and steel and is approximately 83 ft. in length. The bridge is located at milepost CON 10.1 near McDowell, Kentucky.

Bridge No. 121 is an "I" beam span and was constructed in 1916. It is constructed from concrete and steel and is approximately 34 ft. in length. The bridge is located at milepost CON 12.1 near Orkney, Kentucky.

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The property for this rail line was acquired between 1912 and 1923 by the Long Fork Railway Company (LFRR), who was incorporated in Kentucky on March 4, 1912. The LFRR was a subsidiary of the Baltimore and Ohio Railroad Company (B&O). The line was operated by the B&O, the United States Railroad Administration (USRA) and The Chesapeake and Ohio Railway Company (C&O) between 1912 and 1933. The property was and conveyed in 1933 by deed to The C&O.

The C&O was incorporated under the general laws of Virginia and West Virginia on July 1, 1878.

On February 26, 1973, the Chessie System Inc. was formed, and Chessie System Railroads was adopted as the new corporate identity for the C&O, B&O and WM Railroads. On November 1, 1980, Seaboard Coast Line Industries Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

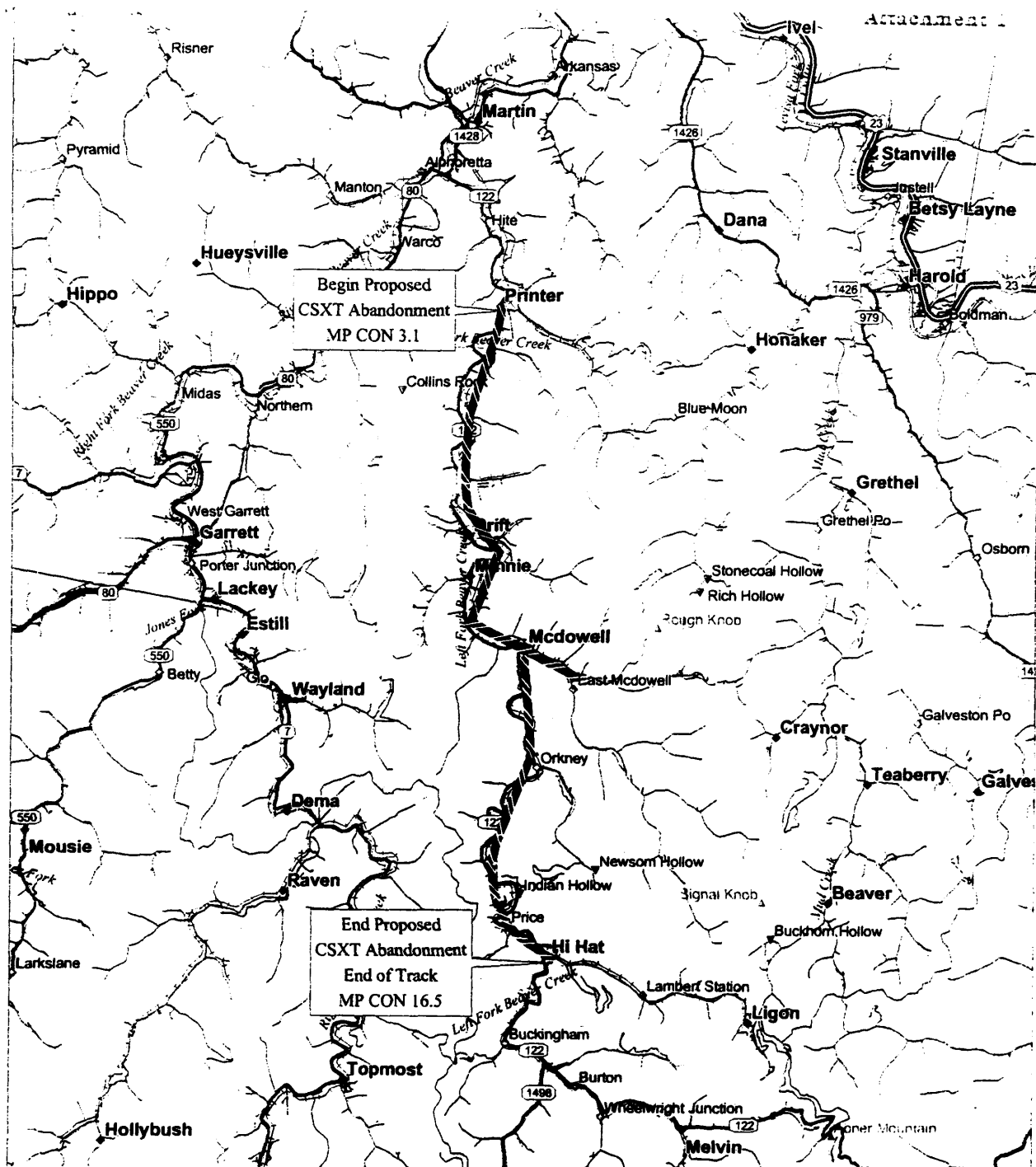
Upon receiving abandonment authority, Applicant's operations and maintenance over this line will cease.

- (6) A brief summary of documents in the carrier's possession, such as engineering drawings that might be useful in documenting a structure that is found to be historic:**

Engineering Sketches and Valuation Maps,
Office of Chief Engineer, Jacksonville, FL.

- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):**

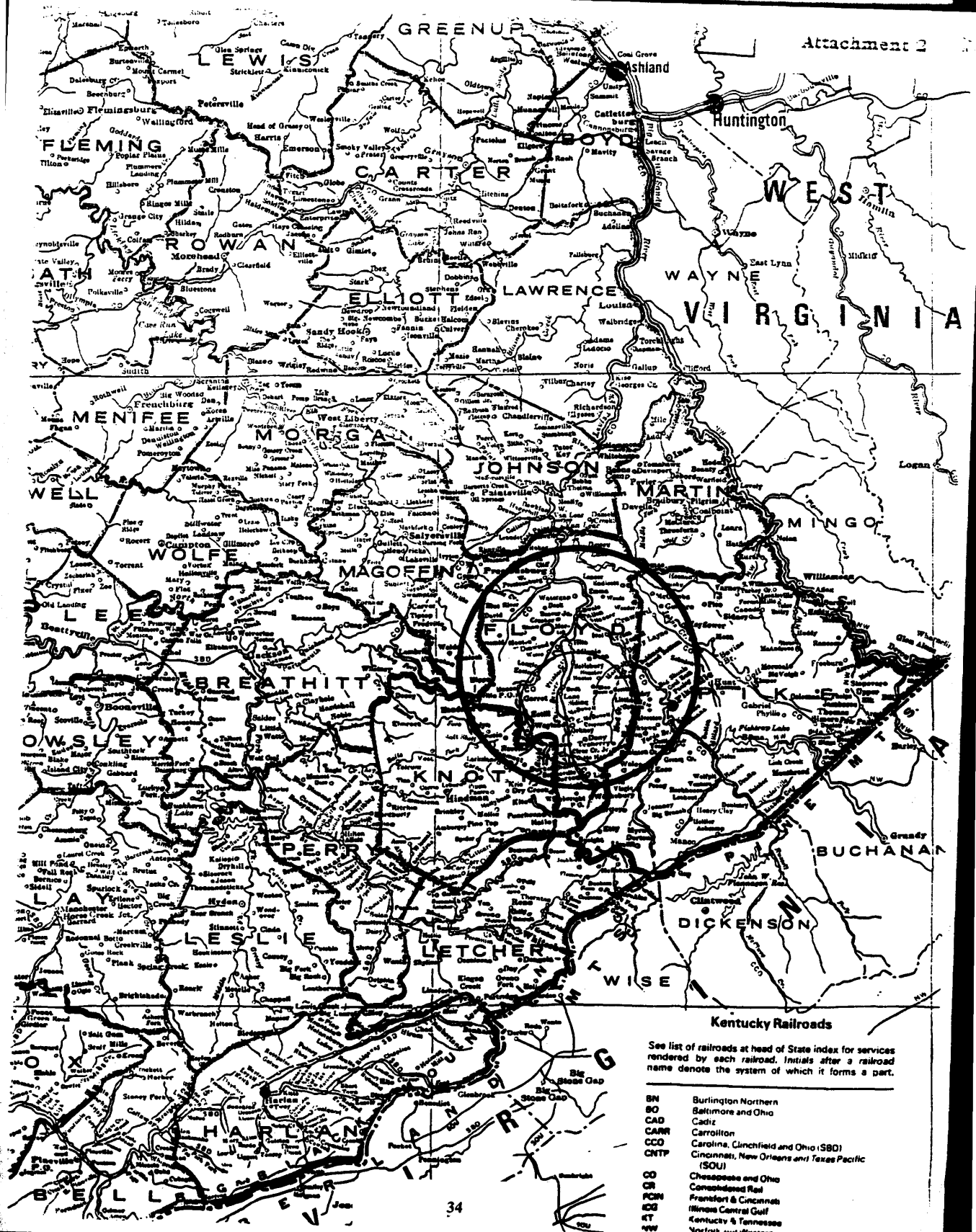
A review of our records indicates there are 3 CSXT-owned structures over 50 years old on this line segment that are eligible for listing in the National Register.

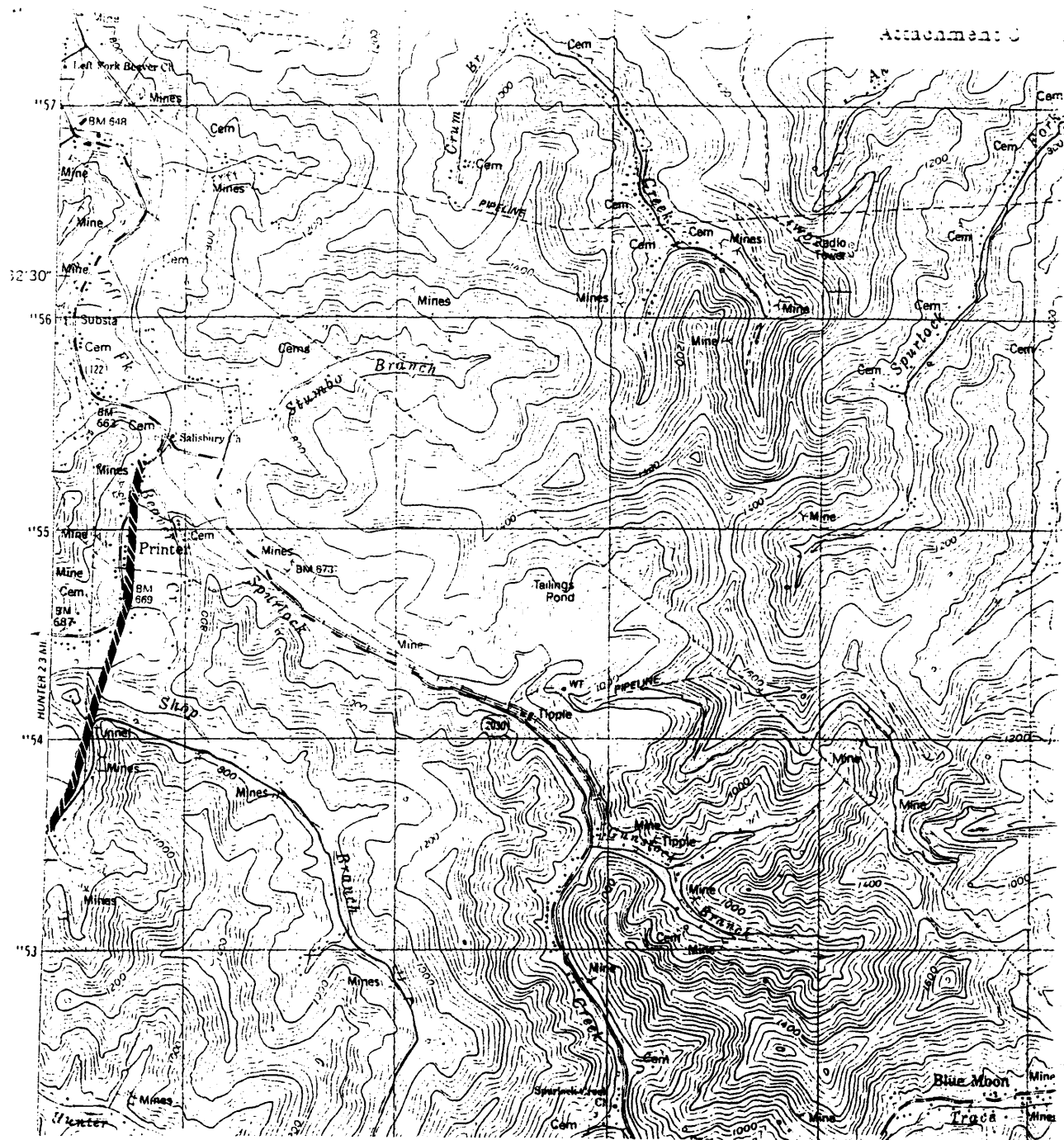


CSX Transportation, Inc

Salisbury to Clear Creek Junction, Floyd County, Kentucky

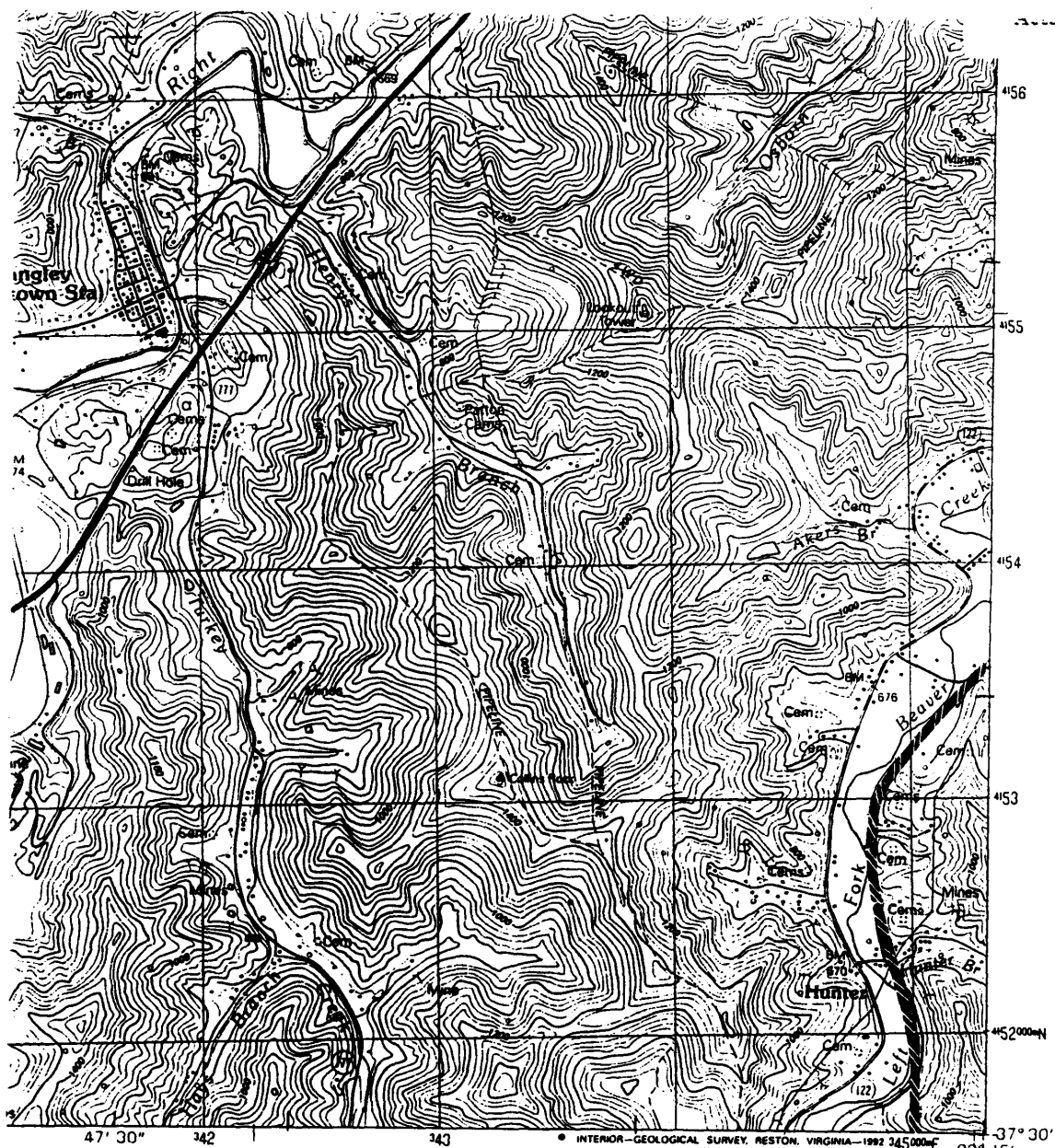
13.4 Miles of line proposed to be abandoned





U. S. DEPT. OF THE INTERIOR
QUADRANGLE GEOLOGICAL SURVEY

HAROLD QUADRANGLE
Kentucky - Floyd County
1992
Page 1 of 5



• INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1992 345000E
 28 N 11 TO U.S. 33 & 119

ROAD CLASSIFICATION

Primary highway, hard surface Light-duty road, hard or improved surface
 Secondary highway,

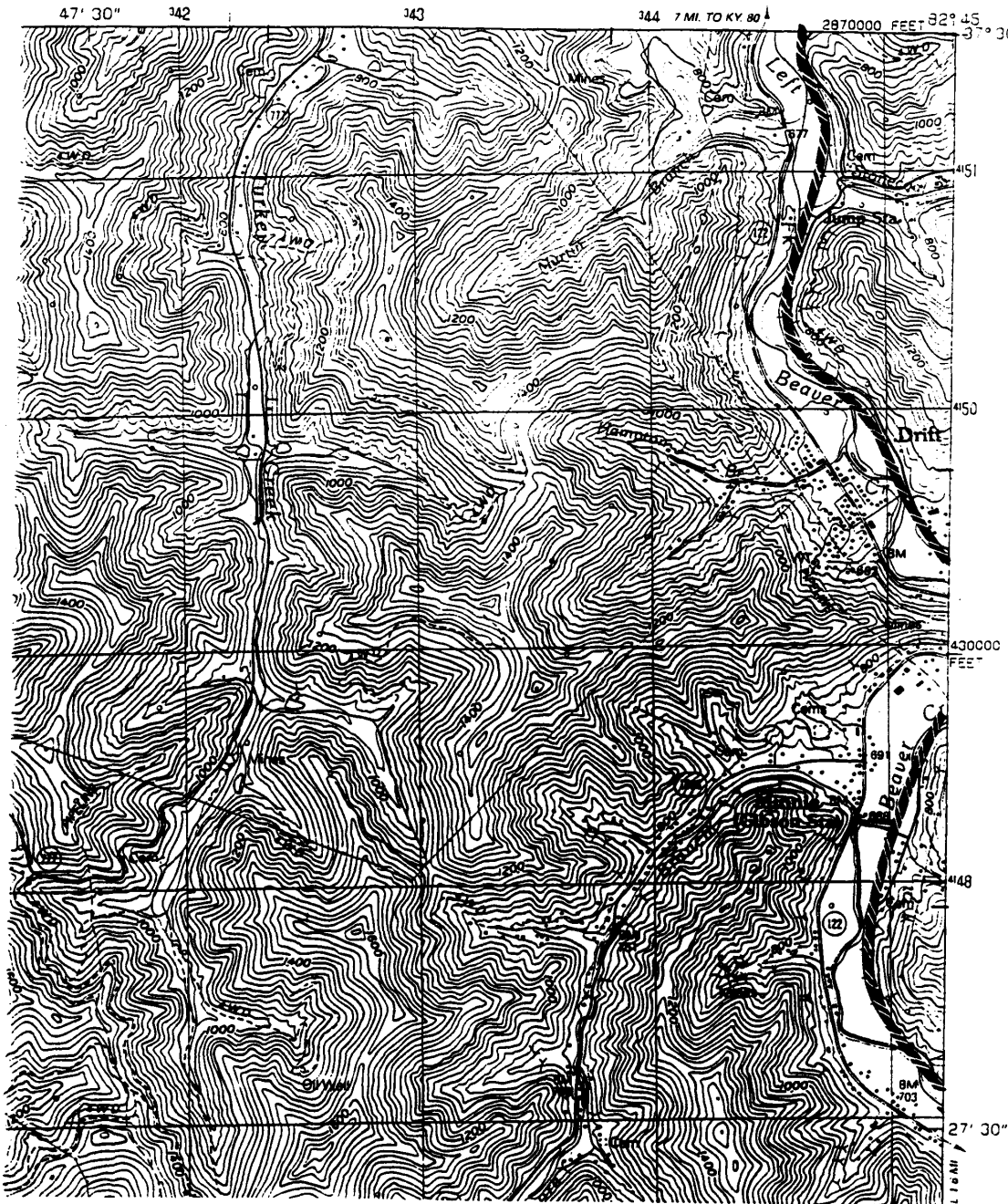
U. S. DEPT. OF THE INTERIOR
 QUADRANGLE GEOLOGICAL SURVEY

MARTIN QUADRANGLE
 Kentucky - Floyd County
 1992
 Page 2 of 5

WAYLAND QUADRANGLE
 KENTUCKY
 7.5 MINUTE SERIES (TOPOGRAPHIC)
 NE/4 HINDMAN 15' QUADRANGLE

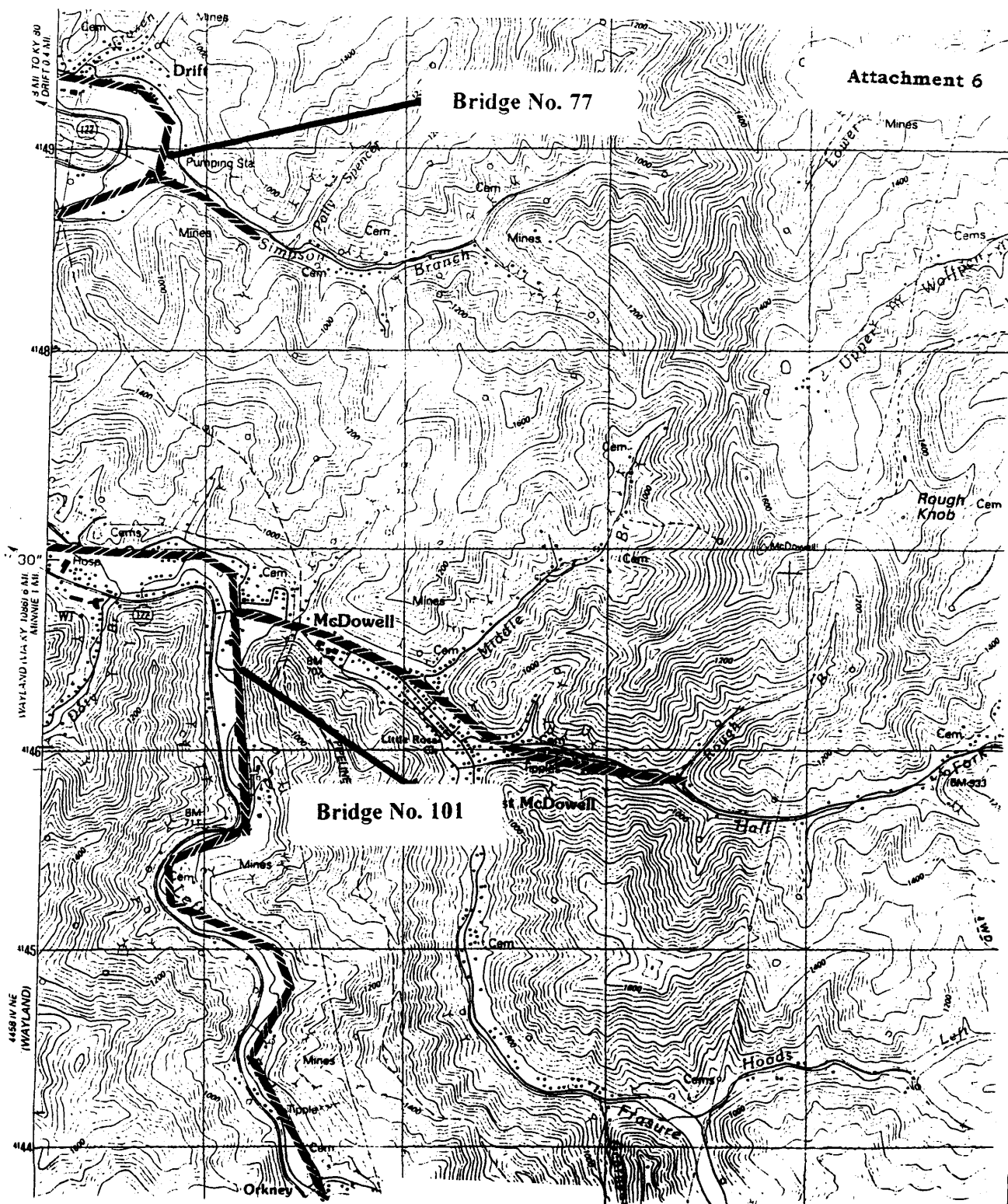
Attachment 5

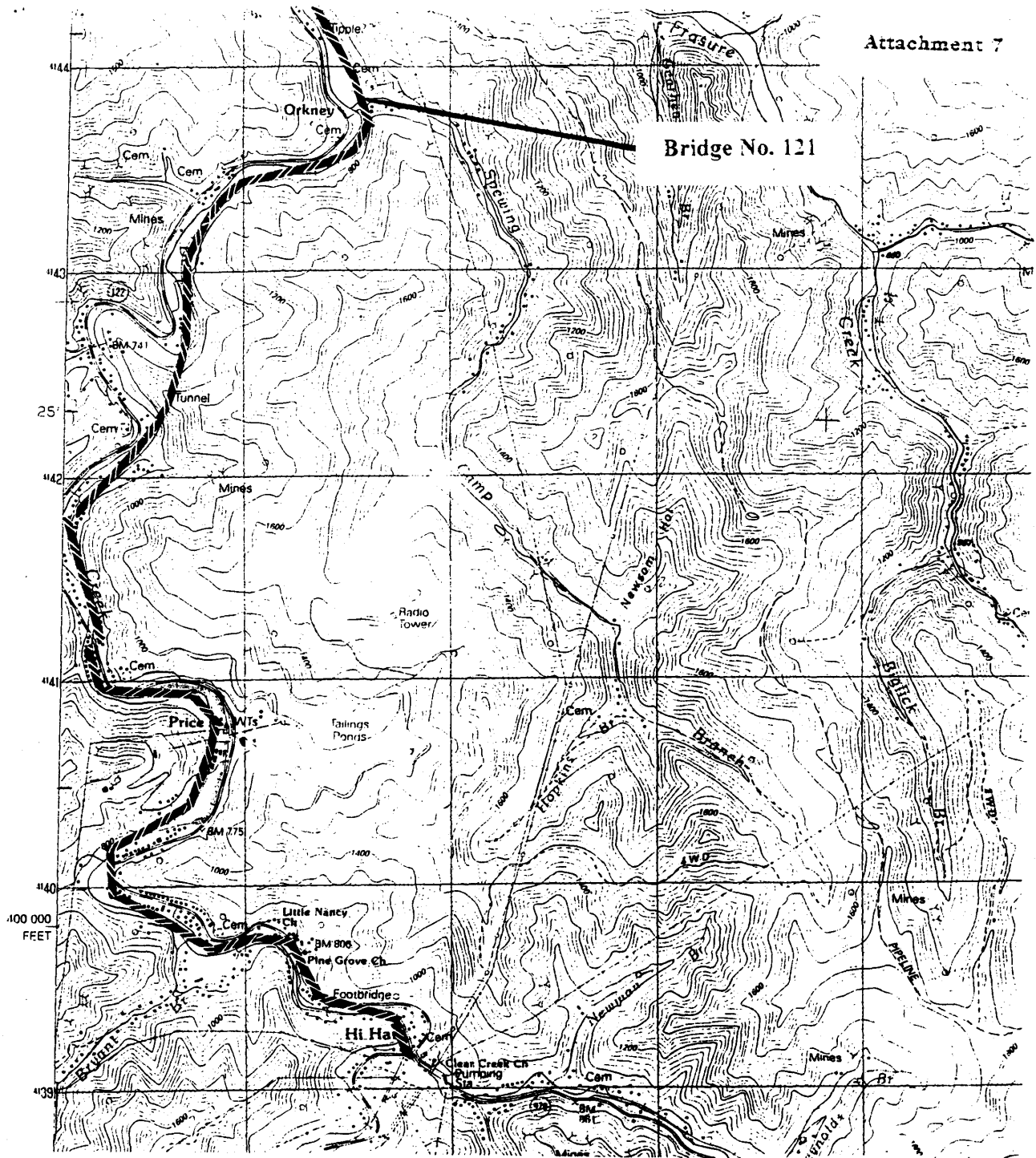
1439
 (HARU)



U. S. DEPT. OF THE INTERIOR
 QUADRANGLE GEOLOGICAL SURVEY

WAYLAND QUADRANGLE
 Kentucky - Floyd County
 1982
 Page 3 of 8

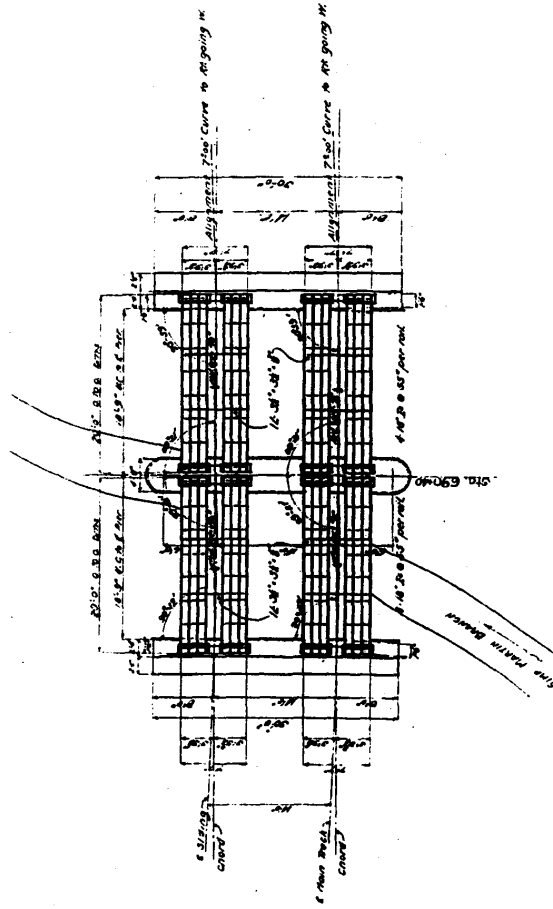




GENERAL PLAN
 SCALES 3" = 1'-0" AUGUST 28, 1946
 OFFICE OF ENGINEER OF BRIDGES
 BALTIMORE, MD.

APPROVED: W. C. Brewster
CHIEF OF BUREAU

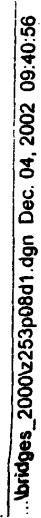
NOTES:
 LINE LOAD 247715 Ton Engines (Cooper & S.S.)
 MATERIAL: AN STRUCTURAL STEEL.
 SPECIFICATIONS: B & O R 1802.
 FOR DETAILS SEE AMERICAN BRIDGE CO.
 ORDER NO. B-4566, FOR B & O
 FIRM & P. B. CONSULTING DIV.



REQUIRED:
 BE Borne of MRS 0° 26' - 0° 12' - 10° 19' N.O. or S.R.
 16 Guard Areas 6° - 5° - 15° - 0° S.R.

Ties and Guard Rails to be furnished by R.R. Co.
Spike to be furnished by Bridge Co.

WANTED:
2 yards double track I beam bridge 20'0" x 10'0". 4 beams
per rail, without being masonry piers, etc.



[illegible]

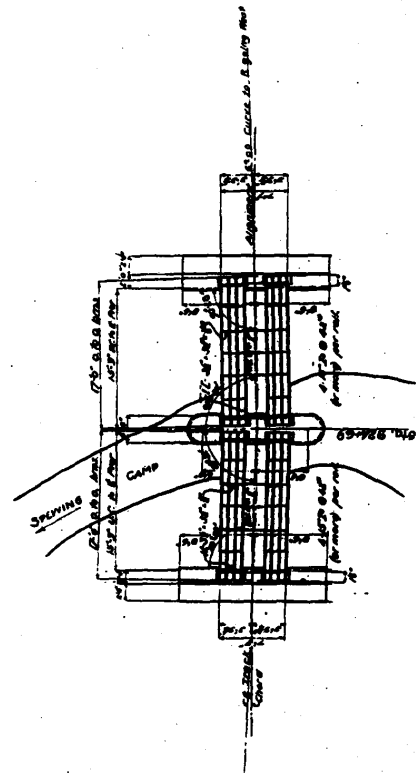
CONFIDENTIAL

DRAWING NO. 16891

APPROVED: M. D. Bonder
ENGINEER OF BRIDGES

\\bridges_2000\z253p08d1.dgn Dec. 04, 2002 09:33:15

161400



WANTED:
2 spans single track I beam bridge 17'-6" a to a
4-beams per rail, anchor bolts, and masonry abutts etc.

NOTES:
MATERIAL: Q.M. STRUCTURAL STEEL.
SPECIFICATIONS: A. & C. M. 1906
For Details see Drawing No 16933



Dave Geraci
Project Manager - Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Tel. (904) 359-1086
Fax (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

December 18, 2002

Mr. David L. Morgan
Director - Kentucky Heritage Council &
State Historical Preservation Officer
300 Washington Street
Frankfort, KY 40601

RE: CSX Transportation, Inc.
Proposed Line Abandonment
Floyd County, Kentucky
Docket AB-55 (Sub-No. 627X)

Dear Mr. Morgan:

Please be advised that CSX Transportation, Inc., anticipates filing for abandonment approximately 13.4 miles of its rail line between Salisbury (near Printer) and end of track at Clear Creek Junction (near Hi Hat), Floyd County, Kentucky, as shown in the attached historic report.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a Historic Report covering the above proposed abandonment.

I would appreciate receiving a letter confirming that this project will have no impact upon cultural resources from your office. If you have questions, please feel free to call me.

Sincerely,

Dave Geraci

Attachments

Copy:
Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW - Suite 534
Washington, DC 20423-0001

Ms. N. S. Rosenberg, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202

EXHIBIT F

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1105.11 and 1105.7(b)

In accordance with 49 C.F.R. §1105.7(b), I hereby certify that on December 20, 2002, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Floyd County Planning Department
Attn: Mr. Lon May
149 South Central Avenue, Suite 9
Prestonsburg, KY 41653

City of Martin Planning Department
Attn: Ms. Thomasine Robinson, Mayor
P.O. Box 749
Martin, KY 41649

Department for Environmental Protection
Division of Water
Mr. Jack A. Wilson, Director
Frankfort Office Park
18 Reilly Road
Frankfort, KY 40601

U.S. Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303-3104

U. S. Department of the Interior
Fish & Wildlife Service
446 Neal Street
Cookeville, TN 38501

U.S. Army Corps of Engineers
Huntington District
Attention: CELRH-OR-F
502 8th Street
Huntington, WV 25701-2070

USDA - NRCS (Soil)
214 South Central Avenue
Prestonsburg, KY 41653-1953

Mr. Frank Maida
DOC/NOAA
National Geodetic Survey N/NGS23
1315 East West Highway, Station 8736
Silver Spring, MD 20910-3282

Office of Intermodal Programs
125 Holmes Street - 3rd Floor
Frankfort, KY 40601

National Park Service
Southeast Region
Attn: Regional Director
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303

Mr. Carey Tichenor
Trails Coordinator
Kentucky Department of Parks
10th Floor CPT
500 Metro Street
Frankfort, KY 40601

Mr. Timothy Sturgill
Railtrail Development Office
Department of Local Government
1024 Capital Center Drive, Suite 340
Frankfort, KY 40601-8204

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on December 18, 2002 a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

Mr. David L. Morgan
Director - Kentucky Heritage Council &
State Historic Preservation Officer
300 Washington Street
Frankfort, KY 40601


Natalie S. Rosenberg

Dated: January 20, 2003

EXHIBIT G

VERIFICATION

STATE OF FLORIDA)
)
DUVAL COUNTY)

B.J. LEAGUE, being duly sworn, states that she is Assistant Vice President-Asset Management of CSX Transportation, Inc.; that she is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB-55 (Sub-No. 627X) on behalf of CSX Transportation, Inc.; that she has carefully examined all of the statements in the Notice of Exemption; that she has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of her knowledge, information and belief.

Bj League
B.J. LEAGUE

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named, this
14th day of January, 2003.

Linda C. Farrakh
Notary Public
My Commission Expires: _____

